IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8344 OF 2005.

M/s.Bharat Petroleum
Corporation Ltd. ... Petitioner.

V/s.

New Kampala Service Station. ... Respondent.

S.G.Page with S.R.Page for the petitioner.

J.J.Thakkar for the respondent.

CORAM: V.C.DAGA, J.

DATED: 8th December 2005.

P.C.:

. Heard learned counsel for the petitioner.

. Perused petition.

2. It is brought to my notice, during the course of hearing that the petitioner has already preferred an appeal against the interim order dated 1st October, 2005 passed by the Small Causes Court in R.A.D.Suit No.1872 of 2004 before the Division Bench of the Small Causes Court at Mumbai

3. The learned counsel appearing for the petitioner, now, submits that the petitioner will not press that appeal against the interim order pending before the Division Bench of the Small Causes Court. Statement made in this behalf is taken on record. In this view of the matter, it

would be open for the lower appellate Court to dispose of the appeal filed by the petitioner as not pressed.

4. In this above view of the matter, the trial Court is directed to proceed with the hearing of Interim Notice No.2435 of 2005 and dispose it of as expeditiously as possible, at any rate, within four weeks from the date of receipt of this order.

5. Learned counsel for the petitioner undertakes to produce this order before the lower appellate Court as well as before the trial Court.

. Petition stands dismissed with no order as to costs.

6. All the concerned to act on authenticated copy of this order.

(V.C.DAGA, J.)